

1 KEKER & VAN NEST LLP
ELLIOT R. PETERS - #158708
2 DANIEL PURCELL - #191424
STEVEN P. RAGLAND - #221076
3 710 Sansome Street
San Francisco, CA 94111-1704
4 Telephone: (415) 391-5400
Facsimile: (415) 397-7188
5 epeters@kvn.com
dpurcell@kvn.com
6 sragland@kvn.com

7 Attorneys for Plaintiff
JOHN TENNISON

8
9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 JOHN TENNISON,

14 Plaintiff,

15 v.

16 CITY AND COUNTY OF SAN
17 FRANCISCO; SAN FRANCISCO POLICE
DEPARTMENT; PRENTICE EARL
18 SANDERS; and NAPOLEON HENDRIX,

19 Defendants.
20
21
22
23
24
25
26
27
28

Case No. C 04-00574 CW

**STIPULATED CONSENT JUDGMENT
AND ORDER OF DISMISSAL UNDER
FRCP 41(a)(2)**

STIPULATION

The undersigned parties, by and through their respective counsel, do hereby stipulate:

WHEREAS, the parties are engaged in litigation in this Court, Case No. C 04-00574 CW (the "Action");

WHEREAS, the parties have agreed to resolve the Action pursuant to Settlement Agreements and Mutual Releases (the "Agreements"); and

WHEREAS, said Agreements called for the entry of a Consent Judgment and Order of Dismissal upon the terms set forth in the Agreements;

ACCORDINGLY, IT IS HEREBY STIPULATED AND JOINTLY REQUESTED that the Court enter the attached Consent Judgment and Order of Dismissal.

Dated: September 22, 2009

KEKER & VAN NEST, LLP

By: /s/ Elliot R. Peters

ELLIOT R. PETERS
Attorneys for Plaintiff
JOHN TENNISON

Dated: September 22, 2009

OFFICE OF THE CITY ATTORNEY

By: /s/ Joanne Hoeper

JOANNE HOEPER
Attorneys for Defendant
CITY AND COUNTY OF SAN
FRANCISCO

Dated: September 22, 2009

MOSCONE, EMBLIDGE & QUADRA, LLP

By: /s/ James A. Quadra

JAMES A QUADRA
Attorneys for Defendants
PRENTICE EARL SANDERS and
NAPOLEON HENDRIX

FILER'S ATTESTATION

I, Daniel Purcell, the filer of this document, hereby attest that concurrence in the filing of this document has been obtained from each signatory hereto.

Dated: September 22, 2009

By: /s/ Daniel Purcell
DANIEL PURCELL

CONSENT JUDGMENT AND [PROPOSED] ORDER OF DISMISSAL

The Court enters this Consent Judgment and Order of Dismissal, based on the stipulation of the parties, plaintiff John J. Tennison (“Tennison”), on the one hand, and defendants City and County of San Francisco, and Prentice Earl Sanders and Napoleon Hendrix (collectively “Defendants”), on the other hand, in light of the following:

WHEREAS, Tennison and Defendants are engaged in litigation in this Court, Case No. C 04-00574 CW (the “Action”);

WHEREAS, Tennison and Defendants have agreed resolve the Action pursuant to Settlement Agreements and Mutual Releases (the “Agreements”); and

WHEREAS, said Agreements called for the entry of this Consent Judgment and Order of Dismissal upon the terms set forth in the Agreement;

ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

1. Tennison’s claims, as set forth in his Amended Complaint filed August 27, 2009, are dismissed with prejudice;

2. The dismissal set forth in paragraph 1 of this Judgment is made pursuant to Federal Rule of Civil Procedure 41(a)(2) and is conditioned on the parties’ compliance with the terms of the Agreements, which terms are incorporated herein and are made part of this Judgment;

3. The Court retains jurisdiction to enforce this Judgment and the incorporated Agreement; and

4. Other than as provided in the Agreements, each party is to bear its own costs and fees to date.

IT IS SO ORDERED.

Dated: September 22, 2009



THE HONORABLE CLAUDIA WILKEN
United States District Judge